

REMARKS

Claims 1-90 are pending in the present application and have been examined. Claims 1-90 have been rejected under 35 U.S.C. §103(a) over Kitchen (U.S. Patent No. 6,289,322) in view of Remington (U.S. Patent No. 6,070,150). Reconsideration of the present application is respectfully requested.

In paragraphs 3 and 4 of the Office Action, claims 1-90 have been rejected under §103 over Kitchen in view of Remington. Applicants respectfully traverse this rejection.

With respect to claims 1-24, independent claim 1 requires “receiving one or more orders from at least one buyer, each of the orders corresponding to at least one seller subsidiary.” The method in claim 1 further consolidates the orders into a single consolidated invoice which is made available to the buyer. An indication is then received from the buyer as to the payments for the orders that have been approved. The final step in the method of claim 1 requires “allocating the payment to a corresponding at least one seller subsidiary for which the payment has been made.”

Neither Kitchen nor Remington teaches or suggests either of the above quoted express limitations of independent claim 1. Although the system of Kitchen does consolidate the invoices from several billers into a single invoice which is presented to the user, Kitchen neither teaches nor suggests “receiving one or more orders from at least one buyer” as expressly required by independent claim 1. The system in Kitchen is for a billing service provider which provides billing services for several different billers which have a plurality of customers. In contrast to the system described in Kitchen, in the method of the present inventions as recited in independent claim 1, there is an order taker (typically a seller) that receives orders from at least one buyer. The parties and the situation as recited in independent claim 1 are thus different than the parties in the Kitchen reference.

Similarly, Remington provides a billing service operated on behalf of a single biller. The system in Remington is more limited than that in Kitchen which provides a consolidated invoice from all the billers while Remington only discloses a single bill presentment from a single biller. Regardless, like Kitchen, Remington has no suggestions or teaching of “receiving one or more orders from at least one buyer” as expressly required by independent claim 1.

Furthermore independent claim 1 requires “allocating the payment to a corresponding at least one seller subsidiary for which the payment has been made.” In each of Kitchen and Remington, their systems merely receive payment instructions from the users. Their systems then access the user’s account and either write checks or make electronic funds transfers to the billers. Neither of the systems in Kitchen nor Remington ever receive any payments at all, let alone “allocating the payment to a corresponding at least one seller subsidiary” as expressly required by independent claim 1. No payments at all flow from the customers to either the of systems disclosed in Kitchen or Remington. The systems of Kitchen and Remington merely make payments on behalf of the customers, typically by accessing the customer’s bank accounts.

As neither Kitchen nor Remington nor the combination thereof either teach or suggest “receiving one or more orders from at least one buyer” or “allocating the payments to a corresponding at least one seller subsidiary” withdrawal of the rejection of independent claim 1 and its dependent claims 2-24 is therefore respectfully requested.

Independent claim 25 recites an ordering and payment allocation system. Independent claim 25 requires in the order management system:

receiving at least one order from a buying organization having at least one buyer; evaluating the at least one order against one or more criteria, orders which meet the one or more criteria being approved orders;

booking the approved orders; As described above, Kitchen and Remington merely disclose bill paying and presentment systems. Neither of them contain any disclosure or suggestion with respect to an order management system that receives orders from buyers, evaluates the order against criteria and books approves order as expressly required in independent claim 25.

Furthermore, independent claim 25 requires a “funds distribution system, the funds distribution system, the funds distribution system facilitating the distribution of the authorized payment received from the buying organization.” As described above with respect to independent claim 1, neither of the systems in Kitchen or Remington ever receive payments from anyone, in fact, they only make payments. As neither Kitchen nor Remington nor the combination thereof suggest or disclose any of the express limitations of independent claim 25 as described above, withdrawal of the rejection of independent claim 25 and its dependent claims 26-47 is therefore respectfully requested.

Similar to independent claim 25, independent claim 48 recites an order management system. This system includes a processor that receives “at least one order from a buying organization having at least one buyer” and furthermore evaluates “the least one order against one or more criteria.” As described above with respect to independent claim 25, neither Kitchen nor Remington disclose either of these express limitations with respect to orders as recited in independent claim 48. Withdrawal of the rejection of independent claim 48 and its dependent claims 49-64 is therefore respectfully requested.

Independent claim 65 recites a “method for allocating funds received from a buying organization.” Described above with respect to the other independent claims, neither Kitchen nor Remington ever receives any funds. Claim 65 furthermore requires “disaggregating the received funds to associate portions of the received funds with one or more selling sub-entities.” Again as described above with respect to the other independent claims, as neither Kitchen nor Remington teaches or discloses receiving payments, they clearly cannot

disaggregate the received funds as is expressly recited in independent claim 65. Withdrawal of the rejection of independent claim 65 and its dependent claim 66 is therefore respectfully requested.

Independent claim 67 requires “receiving one or more orders from at least one buyer.” Again as described above with the other independent claims, neither Kitchen nor Remington discloses receiving orders from buyers. Withdrawal of the rejection of independent claim 67 and its dependent claims 68-90 is therefore respectfully requested.

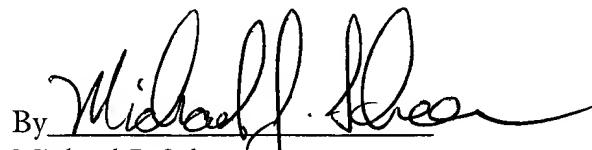
In paragraph 5 and 6 of the Office Action claim 67-90 have been rejected under 35 U.S.C. §101 as “failing to provide a concrete and tangible result.” Applicants respectfully traverse this rejection. Independent claim 67 receives orders from at least one buyer and consolidates the orders into a consolidated invoice. Claim 67 then makes the consolidated invoice available to the at least one buyer. Applicants respectfully submit that the step of making the consolidated invoice available to the at least one buyer is a concrete, useful and tangible result. This is a physical act that is externally quantifiable and measurable and therefore “tangible.”

Withdrawal of the rejection of claims 67-90 on the basis of §101 is therefore respectfully requested.

Applicants have shown that all of the claims of the present application are patentable in view of the combination of Kitchen and Remington. Applicants have further shown that claims 67-90 clearly recite statutory subject matter. Withdrawal of the rejection of all of the claims of the present application is therefore respectfully requested.

Dated: February 17, 2004

Respectfully submitted,

By 

Michael J. Scheer

Registration No. 34,425

DICKSTEIN SHAPIRO MORIN &

OSHINSKY LLP

1177 Avenue of the Americas

41st Floor

New York, New York 10036-2714

(212) 835-1400

Attorney for Applicant

MJS/ll2